

Appl. No. : **10/790,987**
Filed : **March 2, 2004**

REMARKS

By way of summary, Claims 1-5, 8-21, 23-28, and 35 are pending in the application. Upon entry of the foregoing amendments, Claims 8-10, 13-19, 21 and 23-28 remain pending. Claims 1-7, 11, 12, 20, 22 and 29-35 have been cancelled without prejudice and Applicant reserves the right to pursue the subject matter in these claims at a later date. Applicant has amended Claims 9, 10 and 13 as discussed below.

In the Office Action mailed October 12, 2007, the Examiner rejected claims 1-5, 9-13, 20, and 35 under 35 U.S.C. §112. The Examiner further rejected Claims 1-5, 11, 12, and 20 under 35 U.S.C. §102(e) as being anticipated by, or, in the alternative, under 35 U.S.C. §103(a) as obvious over, U.S. Patent 6,652,968 to Miller, et al ("Miller"). The Examiner additionally indicated that Claims 8, 14-19, 21, and 23-28 are allowed. By this paper, the Applicant has amended Claims 9, 10 and 13 to address the §112 rejection and thereby place them in condition for immediate allowance.

Claim rejections under 35 U.S.C. §112, second paragraph

In the Office Action, the Examiner rejected Claims 1-5, 9-13, 20, and 35 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Specifically, the Examiner states that "The recited 'the filler component' in line 4 of claim 1 (and in claims 2-5) is confusing and indefinite since it is unclear whether the recited 'the filler component' is '(an electrically conductive) filler component' or '(a dispersed) filler component' or both filler components."

Applicant has cancelled Claims 1-5, 11, 12, 20 and 35 without prejudice, thereby making the rejection of these claims under §112 moot. With respect to Claims 9, 10 and 13, Applicant has rewritten these claims in independent form in a manner similar to that of allowed Claim 8. The Applicant respectfully submits that amended Claims 9, 10, and 13 satisfy the requirements of 35 U.S.C. §112 and, as they have not been rejected on other grounds, are therefore in condition for immediate allowance.

Appl. No. : 10/790,987
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Claim rejections under 35 U.S.C. §102(e) and 103(a)

In the Office Action, the Examiner rejected Claims 1-5, 11, 12, and 20 under 35 U.S.C. §102(e) as being anticipated by, or, in the alternative, under 35 U.S.C. §103(a) as obvious over, U.S. Patent 6,652,968 to Miller. The Applicant submits that these rejections are now moot, as Claims 1-5, 11, 12, and 20 have been canceled without prejudice by this paper.

Allowed Claims

The Examiner's stated in Office Action that Claims 8, 14-19, 21, and 23-28 are allowed. Claims 8, 14-19, 21, and 23-28 remain pending in the Application. Applicant therefore respectfully submits that the pending claims are in condition for immediate allowance.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

SUMMARY

Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches, even if not expressly discussed herein. Although changes to the claims have been made, no acquiescence, disclaimer or estoppel is intended or should be implied thereby; such amendments are made only to expedite prosecution

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of the present application and are without prejudice to the presentation or assertion, in the future, of claims relating to the same or similar subject matter.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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AMEND

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